

IN THE UNITED STATES DISTRICT COURT
FOR THE FILED 08 AUG 25 10:09 USDC-ORE
DISTRICT OF OREGON

SHAWN'A EARLY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

Civil No. 6:07-CV-1120-AA

ORDER AND JUDGMENT FOR REMAND

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings including a de novo hearing and a new decision. On remand, the administrative law judge will 1) reevaluate Plaintiff's mental impairment pursuant to 20 C.F.R. § 404.1520a and clarify the issue of severity and the extent to which the mental impairment subjects Plaintiff to limitations; 2) evaluate the lay witness statement of Plaintiff's husband pursuant to SSR 06-03p; 3) reevaluate Plaintiff's residual functional capacity in light of the reevaluation of her mental impairment; 4) reevaluate step four and resolve any inconsistency between steps one and four and, if necessary, obtain supplemental vocational expert evidence, resolving any conflicts with the *Dictionary of Occupational Titles* (DOT).

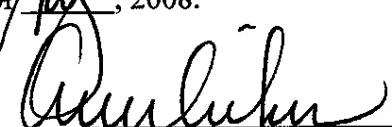
///

///

This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Judgment is for the Plaintiff and the file shall be closed.

IT IS SO ORDERED this 25 day of Aug, 2008.



UNITED STATES DISTRICT JUDGE

PRESENTED BY:

KARIN J. IMMERMUT, OSB 96314
United States Attorney, District of Oregon

BRITANNIA I. HOBBS
Assistant United States Attorney

s/ Nancy A. Mishalanie

NANCY A. MISHALANIE
Special Assistant United States Attorney
(206) 615-3619
Of Attorneys for Defendant